

1 **STATE OF NEW HAMPSHIRE**

2 **SITE EVALUATION COMMITTEE**

3 **December 3, 2015** - 10:00 a.m.
4 Public Utilities Commission
5 21 South Fruit Street Suite 10
6 Concord, New Hampshire

7 **IN RE: SEC DOCKET NO. 2015-05**
8 **SITE EVALUATION COMMITTEE:**
9 **Joint Application of New England**
10 **Power Company d/b/a National Grid**
11 **and Public Service Company of**
12 **New Hampshire d/b/a Eversource**
13 **Energy for a Certificate of**
14 **Site and Facility.**
15 ***(Prehearing conference)***

16 **PRESENT:** **SITE EVALUATION COMMITTEE:**
17 F. Anne Ross, Esq. Public Utilities Commission
18 *(Presiding as Presiding Officer)*

19
20 *Also Present:* Michael J. Iacopino, Esq. (Brennan Lenehan..)
21 Pamela G. Monroe, SEC Administrator

22
23 COURT REPORTER: *Steven E. Patnaude, LCR No. 52*
24

OTHER APPEARANCES:

Counsel for the Applicants:

Reptg. Eversource Energy: Barry Needleman, Esq.
(McLane Graf Raulerson &
Middleton)
Christopher J. Allwarden, Esq.
(Eversource Energy)

Reptg. National Grid: Mark Rielly, Esq.
(Senior Counsel, National Grid)

Counsel for the Public: Christopher G. Aslin, Esq.
Assistant Atty. General
N.H. Dept. of Justice

Intervenor: Margaret Huard, *pro se*

I N D E X**PAGE NO.****DISCUSSION RE: PROPOSED PROCEDURAL SCHEDULE**

5

QUESTIONS BY:

Mr. Iacopino (to Ms. Huard)

23

Mr. Iacopino (to Mr. Aslin)

26

Mr. Iacopino (re: motions)

26

Presiding Officer Ross (re: amendments to app.)

27

P R O C E E D I N G

PRESIDING OFFICER ROSS: Good morning, ladies and gentlemen. I'm Anne Ross, designated as the Hearings Examiner and Chair of the Subcommittee in SEC Docket 2015-05, referred to as the "Merrimack Reliability Project". This is a Joint Application between New England Power Company, doing business as National Grid, and Public Service Company of New Hampshire, doing business as Eversource, for a Certificate of Site and Facility for construction of a new 345 kV transmission line from the 22A Substation in Tewksbury, Massachusetts, to the Scobie Pond Substation, in Londonderry, New Hampshire.

This morning, we will be dealing with the procedural issues that were set out in the notice that we issued on November 30th. And, before we talk about those matters, I would like to ask you to enter your appearances on the record today.

MR. ALLWARDEN: Good morning, Ms. Chairman. Christopher Allwarden, Public Service Company of New Hampshire in-house counsel.

MR. NEEDLEMAN: Barry Needleman, from McLane Middleton, representing the Joint Applicants.

MR. RIELLY: Mark Rielly, in-house counsel, National Grid.

1 MR. ASLIN: I'm Chris Aslin, from the
2 Office of the Attorney General, acting as Counsel for the
3 Public.

4 MS. HUARD: Margaret Huard, Intervenor.

5 PRESIDING OFFICER ROSS: Thank you. I
6 notice that I received this morning, from Mr. Needleman, a
7 proposed procedural scheduling order. Has everyone here
8 seen that draft?

9 MR. ASLIN: Yes.

10 PRESIDING OFFICER ROSS: Would people
11 like to discuss the suggested dates, subject to check to
12 confirm that they do conform to the statute, which they
13 appear to? Any comments, suggestions, or other
14 modifications?

15 MR. ASLIN: Counsel for the Public has
16 reviewed the proposed schedule, and has no objection.

17 MS. HUARD: I've looked at it. And,
18 would like to reserve the right to come back to it after
19 the discussion of the proceedings for the rest of the
20 meeting.

21 PRESIDING OFFICER ROSS: Okay. Does
22 Counsel for the Public know at this point whether you will
23 be requesting any expert assistance in this docket?

24 MR. ASLIN: At this point, we're not

1 anticipating an expert, but we're still reviewing that
2 issue. So, we haven't made a final determination yet.

3 PRESIDING OFFICER ROSS: Okay.

4 MR. NEEDLEMAN: One other comment, just
5 on the draft schedule. I think it's possible that the
6 agencies could potentially report back to the Committee
7 sooner than the statutory deadlines. I know that that has
8 occasionally happened in other cases. When we put this
9 together, I didn't presume that. But, to the extent that
10 the Committee wants to check and see if that's possible, I
11 suppose it creates an opportunity to maybe shorten this a
12 little bit more, if you want to do that.

13 PRESIDING OFFICER ROSS: Okay. That is
14 a possibility. And, the effect of that might be to move
15 up -- would it be possible for us to move up a date for
16 hearing, given the statutory requirement?

17 MR. IACOPINO: As long as there's
18 sufficient notice provided. The statute requires us to do
19 certain things within certain timeframes. And, it also
20 requires the state agencies to do certain things within
21 certain timeframes. The statute doesn't prohibit either
22 the state agencies or the committee from doing those
23 things in a shorter timeframe than allowed by the statute.

24 As a practical matter, though, we will

1 not generally hold any type of adjudicatory process or
2 hearing until we have the final reports from the involved
3 state agencies. I can think of only one time when we did
4 that, and we were waiting on one state agency. But I
5 don't remember which case or what it was. It doesn't work
6 out well.

7 PRESIDING OFFICER ROSS: As I recall, I
8 know that the PUC and DES are involved in this one. Who
9 else have we got for agencies?

10 MR. IACOPINO: Historic Resources, I
11 believe, sent in a letter --

12 PRESIDING OFFICER ROSS: Okay.

13 MR. IACOPINO: -- saying that they deem
14 the Application complete, but there was other work that
15 was being performed, in the nature of underground
16 archeological work, and continuing with that whole process
17 that they use in the Historic Resources' realm.

18 *[Court reporter interruption.]*

19 MR. IACOPINO: I'm sorry. And, I don't
20 know. Mr. Needleman, do you remember if there's another
21 agency?

22 MR. NEEDLEMAN: I'm trying to remember
23 if we had any DOT approvals here.

24 MR. IACOPINO: Actually, there is a

1 letter from DOT.

2 PRESIDING OFFICER ROSS: That's right.

3 MR. IACOPINO: It doesn't really outline
4 what their approvals are, but it does say that the
5 Application is complete from their perspective.

6 So, we may be receiving some final
7 reports, well, draft reports and/or final reports from
8 those four agencies.

9 PRESIDING OFFICER ROSS: Since we have
10 an intervenor here, maybe we should just go over briefly
11 the form of questions, data requests or questions on the
12 testimony. I assume that we can -- those can be
13 transmitted electronically, and, typically, they're posed
14 to a particular witness, and they identify the area of
15 testimony, the area of prefiled testimony that the
16 question relates to.

17 Ms. Huard, does that process, will that
18 work for you? Do you have access to a computer, so that
19 you can --

20 MS. HUARD: I do. Yes, I do.

21 PRESIDING OFFICER ROSS: Okay.

22 MS. HUARD: I guess, where I'd be -- the
23 e-mail addresses for the witnesses would be what I would
24 need. Would I send them through --

1 PRESIDING OFFICER ROSS: Well, you would
2 send everything to Mr. Needleman, --

3 MS. HUARD: Okay. That's right. Of
4 course.

5 PRESIDING OFFICER ROSS: -- who's the
6 filing attorney.

7 MS. HUARD: Yes. Okay.

8 PRESIDING OFFICER ROSS: And, that
9 information should be on the website. --

10 MS. HUARD: Correct.

11 PRESIDING OFFICER ROSS: -- as part of
12 our service list.

13 MS. HUARD: Okay. Yes.

14 PRESIDING OFFICER ROSS: But I don't
15 believe that needs to be served on other parties. I
16 believe the process is generally to send the questions to
17 the party you're requesting the answers of. Do we, as a
18 courtesy, share those typically among the groups that
19 are --

20 MR. IACOPINO: They typically have in --

21 *[Court reporter interruption.]*

22 MR. IACOPINO: They typically have in
23 the Site Evaluation Committee process. So that, if there
24 is -- if you have data requests/questions to submit to

1 some of the experts from Public Service, you send those to
2 Mr. Needleman, but you also copy the other parties on the
3 distribution list.

4 There's one area where everybody gets
5 confused. You should not copy the members of the
6 Committee.

7 MS. HUARD: Okay.

8 MR. IACOPINO: Okay? Even though
9 oftentimes their emails are on the distribution list,
10 that's really for other purposes. Discovery is just
11 between the parties. If you receive something, an answer
12 from, say, an Applicant's witness that says, you know,
13 "See this document", and the document's attached, that's
14 not necessarily before the Committee. If that's something
15 that you want the Committee to consider in their
16 adjudication phase, you need to have it marked and
17 presented as an exhibit during the course of those
18 hearings.

19 PRESIDING OFFICER ROSS: And, the
20 technical sessions that have been proposed appear to
21 relate to the witnesses who filed prefiled testimony in
22 the case. So, again, for the benefit of the intervenor,
23 but also so that we all have an understanding of what the
24 expectations are, those technical sessions are sort of

1 supplemental discovery, where you have an opportunity to
2 further question witnesses concerning responses they have
3 given you or responses that you don't understand or which
4 may be incomplete, or other questions that the responses
5 create.

6 Is that a fair statement of what's
7 expected at the technical sessions?

8 MR. NEEDLEMAN: Yes.

9 PRESIDING OFFICER ROSS: Okay. Is there
10 any other discussion or questions that we should cover,
11 before we try to work through the specific dates and see
12 if they're agreeable to everyone? Yes.

13 MS. HUARD: I just wanted to comment on
14 moving up the date. The schedule, as proposed, is
15 acceptable to me. But moving it earlier within the spring
16 would actually prevent me from collecting important
17 evidence that I will have to look at in the spring. And,
18 June 1st or June 6th gives me a reasonable amount of time
19 to do that.

20 PRESIDING OFFICER ROSS: Is this
21 evidence that grows?

22 MS. HUARD: Evidence that grows, and
23 flows.

24 PRESIDING OFFICER ROSS: Okay. Okay.

1 We'll try to keep that in mind.

2 All right. Let's just take a look at
3 the specific dates in the proposed scheduling order. So,
4 obviously, today, we're doing the prehearing conference.
5 January 15th is proposed for the initial discovery
6 requests on the Applicants' witnesses. What day of the
7 week is that?

8 MR. IACOPINO: January 15th is a Friday.

9 PRESIDING OFFICER ROSS: Does that pose
10 any problems for anyone?

11 *[No verbal response]*

12 PRESIDING OFFICER ROSS: Okay. And,
13 then, responses on February 5th, which gives, what is
14 that, three weeks?

15 MR. IACOPINO: Yup. Exactly three
16 weeks.

17 PRESIDING OFFICER ROSS: And, any
18 objection to that response time?

19 *[No verbal response]*

20 PRESIDING OFFICER ROSS: Okay.
21 Disclosure of experts by Counsel for the Public, as well
22 as prefiled testimony for intervenors, as well as Counsel
23 for the Public. Any problems with that deadline?

24 MR. IACOPINO: March 2nd is a Wednesday.

1 PRESIDING OFFICER ROSS: Okay.

2 *[No verbal response]*

3 PRESIDING OFFICER ROSS: Okay. March
4 3rd is just a noted statutory deadline. I think we
5 calculated it to be maybe slightly earlier, but we might
6 have been working off a little -- an earlier date on the
7 issuance of the --

8 MR. IACOPINO: I think I had February --
9 *[Court reporter interruption.]*

10 MR. IACOPINO: I said, I believe I had
11 the 28th or 29th of February. I don't know if it's a leap
12 year or not, but --

13 MR. NEEDLEMAN: I think it is February
14 29th.

15 MR. IACOPINO: But the last day of
16 February is what I had. But that's -- it may fall on a
17 Saturday or Sunday.

18 PRESIDING OFFICER ROSS: So, we'll leave
19 as, for purposes of this schedule, we can leave it as
20 March 3rd?

21 MR. IACOPINO: Sure.

22 PRESIDING OFFICER ROSS: And, then, we
23 have some technical sessions. And, we have two of them
24 scheduled. How many witnesses? I don't remember how many

1 you have.

2 MR. NEEDLEMAN: I think 14.

3 PRESIDING OFFICER ROSS: Fourteen
4 witnesses. So, probably a two-day -- I don't know, I
5 don't have much experience in these dockets. Is two days
6 going to be appropriate for that number of witnesses,
7 Mike?

8 MR. IACOPINO: I think it will be. We
9 don't have a large number of parties in this particular
10 case.

11 PRESIDING OFFICER ROSS: Okay.

12 MR. IACOPINO: And, I don't know, if
13 Counsel for the Public retains an expert of some kind,
14 though, then that might -- that might cause some
15 additional time being required. Normally, your experts
16 would come with you to question their experts. So, --

17 MR. ASLIN: I think two days will be
18 sufficient, is my guess at this point.

19 PRESIDING OFFICER ROSS: Okay. And, the
20 29th and the 1st of March, what days are those?

21 MR. IACOPINO: That's a Monday and a
22 Tuesday.

23 PRESIDING OFFICER ROSS: Okay. All
24 right. Is it possible or customary to allow questions

1 that can't be answered on the spot to be responded to in a
2 follow-up response after the technical session?

3 MR. NEEDLEMAN: Yes. People can make
4 record requests.

5 PRESIDING OFFICER ROSS: Okay.

6 MR. IACOPINO: That's what we've
7 typically done. And, generally, those record requests
8 are, unless there was some agreement otherwise at the time
9 of the technical session, are generally due seven days
10 after the technical session.

11 PRESIDING OFFICER ROSS: Okay. But that
12 can be by agreement at the technical session. We don't
13 need to put that in the scheduling --

14 MR. IACOPINO: And, usually -- well,
15 usually what happens, at the end of the technical session,
16 myself, or somebody else from my office is there, we'll
17 file a report with the Committee saying, you know, what --
18 actually listing what was requested as record requests.

19 PRESIDING OFFICER ROSS: So, it's
20 documented. There's no court reporter at that, is there?

21 MR. IACOPINO: Sometimes we have court
22 reporters, sometimes we don't. And, I think we're now not
23 using court reporters at technical sessions. Because it's
24 supposed to be an informal process, and, when we have used

1 a court reporter, even though we have excellent court
2 reporters, people tend to treat the informal technical
3 session as more of a deposition. But that's -- that
4 actually will be up to Ms. Monroe, who is prior to -- I'm
5 speaking about what's occurred prior to her tenure as
6 Administrator of the Committee.

7 PRESIDING OFFICER ROSS: Yes?

8 MS. HUARD: Will they be able to be
9 recorded or will the results of the technical sessions be
10 recorded in any way into the docket, so that we can refer
11 to them in the future?

12 MR. IACOPINO: Generally, for instance,
13 there will not be a verbatim transcript, like you will
14 receive of today's hearing.

15 MS. HUARD: Uh-huh.

16 MR. IACOPINO: But what you will receive
17 is a report issued by myself, or some other representative
18 from the Committee, that will say what record requests
19 were made and need to be answered by what date.

20 MS. HUARD: Okay.

21 MR. IACOPINO: There will not, for
22 instance, if you get an answer from a witness that says,
23 you know, "I went to the supermarket on Friday, the 13th",
24 there is not going to be any transcript of that.

1 MS. HUARD: Okay. Are we able to record
2 the proceedings, the session ourselves?

3 MR. IACOPINO: If all parties at the
4 proceeding agree, --

5 MS. HUARD: Agree.

6 MR. IACOPINO: -- then you can.

7 MS. HUARD: Does that request need to be
8 made in writing?

9 MR. IACOPINO: We don't have any
10 particular rule about it.

11 MS. HUARD: Okay.

12 MR. IACOPINO: But you should -- the
13 earlier you do it, the better off you are.

14 MS. HUARD: Okay.

15 MR. IACOPINO: And, as always, as I
16 would recommend to anybody, any request that you make, you
17 should document. And, by the way, if you want to make a
18 formal request to have a transcript, you can file a motion
19 to do that.

20 MS. HUARD: Okay.

21 MR. IACOPINO: There's nothing that
22 stops you from doing that. It's just not our normal
23 process.

24 MS. HUARD: Uh-huh.

1 PRESIDING OFFICER ROSS: And, then, the
2 next, so, is everyone all right with the February 29th and
3 March 1st dates for technical sessions?

4 *[No verbal response]*

5 PRESIDING OFFICER ROSS: Okay. Then,
6 the next date suggested is the March 18th date, and that
7 would be for propounding the written discovery requests on
8 Counsel for the Public and Intervenors, concerning
9 whatever your testimony was. And, an April 8th response
10 time to those questions, which is about three weeks, it
11 looks like about the same response time that was offered
12 on the Applicants' side.

13 Is that all right with everyone?
14 Obviously, it's all right with you, because you suggested
15 it.

16 *[No verbal response]*

17 PRESIDING OFFICER ROSS: Okay. And,
18 then, May 2nd and 3rd technical sessions for Counsel for
19 the Public and Intervenor -- I'm sorry, for Counsel for
20 the Public witnesses. So, that would be two days. You
21 know, if we reserve two days, and we only need one,
22 obviously, we wouldn't use both of them. But --

23 MR. ASLIN: Yes. At this point, there
24 may be no days. But probably one will be sufficient.

1 PRESIDING OFFICER ROSS: You want to
2 just put March 2nd down and --

3 MR. ASLIN: Sure. Well, it wouldn't
4 hurt to reserve the day.

5 PRESIDING OFFICER ROSS: Okay.

6 MR. ASLIN: I mean, it's more up to the
7 Company, if they've got a lot of questions.

8 MR. IACOPINO: We're in May, right?

9 MR. ASLIN: Yes.

10 PRESIDING OFFICER ROSS: Yes. And,
11 then, for Intervenor witnesses, we also have two days
12 reserved, the 4th and 5th. So, what days of the week are
13 we looking at? Is that Monday/Wednesday and
14 Tuesday/Thursday or --

15 MR. IACOPINO: For the 2nd, 3rd, 4th,
16 and 5th of May, that's the whole week, Monday through
17 Thursday.

18 PRESIDING OFFICER ROSS: Okay. And,
19 those dates are okay for people at this point?

20 MS. HUARD: At this point.

21 PRESIDING OFFICER ROSS: Then, there's a
22 date by which you can file stipulated facts or any other
23 agreements that might be reached among the parties, which
24 I think is a good idea to put in. And, that looks like

1 it's a couple weeks ahead of hearings. So, it gives
2 people time to sort of plan their trial presentation.

3 And, then, a final structuring
4 conference on May 31st. And, a structuring conference
5 generally would go over both stipulations that have been
6 reached, and also order of witnesses, marking of exhibits,
7 if we can, ahead of time, so that we know how the exhibits
8 are going to work, narrowing of any issues, if parties can
9 agree that certain issues are not -- don't need to be
10 heard, and any other matters that might have come up.
11 And, doing it on the 31st, with your trial dates the 13th
12 through the 17th, should give people time to prepare.

13 MR. IACOPINO: One thing I don't see on
14 the schedule is there's no indication for a deadline for
15 filing of supplemental testimony.

16 PRESIDING OFFICER ROSS: Oh, yes.

17 MR. IACOPINO: Is there any inclination
18 on the part of the parties to put such a deadline in
19 there?

20 MR. NEEDLEMAN: Probably makes sense. I
21 can't recall, do we typically -- we don't typically allow
22 discovery or more technical sessions on supplemental
23 testimony, is that right?

24 MR. IACOPINO: Usually not. It's

1 usually the result of the technical sessions. It's
2 usually -- so, generally gets filed after the technical
3 sessions have occurred, and any follow-up record requests
4 have been complied with. In my experience, it's used more
5 so by intervenors and Counsel for the Public. Although,
6 oftentimes -- I mean, applicants usually do file prefiled
7 testimony -- supplemental prefiled testimony, but it's
8 generally not that expansive. We have seen some major
9 testimonies, though, filed by Counsel for the Public,
10 after the record requests have been resolved -- or, been
11 received?

12 MR. NEEDLEMAN: Yes. I guess it's
13 something we probably should have put in here. So, I
14 would be in favor of putting some deadline in. I'm not
15 sure where it's appropriate.

16 MR. IACOPINO: Well, if we look in May,
17 and, generally, what we've done with supplemental prefiled
18 testimony is, everybody's is due on the same day. So, if
19 we look in May here, we've got the -- the last technical
20 session would be May 5th. I would suggest May 19th for --
21 or, May 20th, the Friday, for any supplemental prefiled
22 testimony.

23 MR. NEEDLEMAN: That's fine with us.

24 PRESIDING OFFICER ROSS: Does that work

1 for Intervenors and Counsel for the Public?

2 MS. HUARD: It appears to.

3 MR. ASLIN: That's fine for me.

4 PRESIDING OFFICER ROSS: So, we'll agree
5 to make a suggested date of May 20th for filing
6 supplemental prefiled testimony by any party.

7 MR. ASLIN: And, I would like to go back
8 to one date. I apologize. I overlooked a conflict that I
9 have on February 29th, for the technical session. Would
10 it be possible to move those out one day from the Monday
11 and Tuesday?

12 PRESIDING OFFICER ROSS: So, do March
13 1st and March 2nd?

14 MR. ASLIN: Yes.

15 PRESIDING OFFICER ROSS: Is that all
16 right on the Applicants' side?

17 MR. NEEDLEMAN: I think so, yes. Yes, I
18 don't see any problem with that.

19 MR. ASLIN: Thank you.

20 PRESIDING OFFICER ROSS: Okay. And,
21 then, final permitting decisions are due June 1st. And,
22 the suggested hearing dates are the week of the 13th to
23 the 17th. I think we were thinking of even keeping the
24 week before that open. Do you think that's necessary,

1 Mike, or not?

2 MR. NEEDLEMAN: We avoided that,
3 because, as Chris pointed out, I think that's the week of
4 the NECPUC meeting.

5 PRESIDING OFFICER ROSS: Oh.

6 MR. IACOPINO: Oh.

7 PRESIDING OFFICER ROSS: Yes, a lot of
8 people do get involved in that. Okay. Makes sense.

9 MR. IACOPINO: What's that, June 6th is
10 NECPUC?

11 MR. ASLIN: Yes. The 5th through the
12 8th.

13 MR. IACOPINO: Okay. That makes sense.

14 PRESIDING OFFICER ROSS: Yes.

15 MR. IACOPINO: You'll probably be going
16 to NECPUC anyway, right?

17 PRESIDING OFFICER ROSS: I usually go,
18 yes, because it's always a good party.

19 Okay. I think, with that, we've worked
20 our way through the schedule that's been proposed. We've
21 made some minor changes. Are there any other questions or
22 comments?

23 MR. IACOPINO: I have a couple questions
24 for the parties. Ms. Huard, do you expect to retain any

1 kind of experts for witnesses? When I say "retain", I
2 mean, you know, to call any witnesses?

3 MS. HUARD: I understand. At this
4 point, I am working on obtaining at least one. I'm not
5 certain whether that will materialize.

6 MR. IACOPINO: Do you know, and,
7 obviously, this isn't binding on you, but do you know what
8 areas you -- what areas of the Project are the ones that
9 are going to be most import to you? I mean, I've listened
10 to your testimony at the public information sessions.

11 MS. HUARD: Uh-huh.

12 MR. IACOPINO: And, I understand, and
13 we've seen your Motion to Intervene.

14 MS. HUARD: Uh-huh.

15 MR. IACOPINO: So, we've got some idea.
16 But, if you could express just like the areas where you
17 expect there to be the most --

18 MS. HUARD: Yes.

19 MR. IACOPINO: -- disagreements with the
20 Application or the Applicant?

21 MS. HUARD: I have concerns and
22 questions in all areas proposed by all 20 of the
23 witnesses. Each and every one of those contribute to my
24 safety, health and well-being, and the public health of

1 our general environment. Predominantly, the natural
2 environment, environmental issues surrounding the wetlands
3 that are on -- within that ROW, and how those wetlands
4 contribute to the surrounding area, the EMFs. I will
5 basically be going through all 20 areas, though, in some
6 form.

7 MR. IACOPINO: "All 20", I'm sorry,
8 could you --

9 MS. HUARD: In all 20 areas, or, not all
10 20, --

11 MR. IACOPINO: Okay.

12 MS. HUARD: -- because some of them,
13 there were two witnesses for some areas.

14 MR. IACOPINO: Okay.

15 MS. HUARD: So, all areas that were
16 presented by the witnesses, I do have some questions in
17 all areas.

18 MR. IACOPINO: Okay. In terms of
19 witnesses that you may call, do you intend to call
20 witnesses with respect to each area?

21 MS. HUARD: No, I do not. I'm sorry.
22 With respect to witnesses, it would be concerning the
23 environmental issues and the public health issues, with
24 the sound and EMFs.

1 MR. IACOPINO: Okay. And, I know
2 Counsel for the Public has indicated they haven't yet made
3 a decision about what witnesses you may retain. Is there
4 any identification at this point of things that we expect
5 to be contested, from your standpoint?

6 MR. ASLIN: I think it's likely similar
7 issues to Ms. Huard's, if there are contested issues.

8 MR. IACOPINO: Are there any areas that
9 are of agreement?

10 MR. ASLIN: I anticipate --

11 MR. IACOPINO: And, I know it's an
12 unfair question this early. But, if there is, or there is
13 that we think there probably is not going be a lot of
14 litigation on it, it's good for the Committee to know.

15 MR. ASLIN: I anticipate that there --
16 we haven't gotten far enough yet, but that there will
17 likely be opportunities for stipulating to several issues
18 in this docket. You know, as we get a little farther into
19 the testimony -- or, reviewing testimony and talking to
20 potential experts, I think there's probably significant
21 areas of potential agreement.

22 MR. IACOPINO: Are there any expected
23 motions that anybody might be thinking that need to be
24 filed, at least at this point in time? I understand that,

1 and I'm not talking about discovery motions, but any other
2 type of motion that somebody might file?

3 We've set a discovery schedule. If
4 that's not working or if the parties aren't cooperating in
5 discovery and motions need to be filed, I understand that.
6 But any other substantive motions that anybody expects to
7 file?

8 And, again, this doesn't bind you. If
9 you determine you need to file a motion down the road,
10 you're certainly permitted to. We're just trying to get
11 an idea. That's what the prehearing conference is about.

12 MR. NEEDLEMAN: Certainly none that we
13 can think of at this point.

14 MR. ASLIN: I don't anticipate any.

15 PRESIDING OFFICER ROSS: Are you
16 planning on any amendments to your Application?

17 MR. NEEDLEMAN: Yes. We hope to submit
18 an amendment shortly. And, it would relate primarily to
19 relocations of certain structures that are coming from our
20 interactions with landowners. Both companies have been
21 working with landowners adjoining the Project, trying to
22 understand places where they have concerns, and trying to
23 do what they can to address those concerns. And, in a
24 number of cases, those discussions have been fruitful.

1 And, so, we're working on, really, I would say, a number
2 of minor tweaks to the Application that will reflect those
3 agreements that we've made with the landowners.

4 And, our intention is to get that
5 submitted this month, so it happens in advance of the
6 commencement of discovery, or certainly before questions
7 are due.

8 PRESIDING OFFICER ROSS: Okay. Can you
9 think of any other questions?

10 MR. IACOPINO: Just going through the
11 list. I think we've covered everything. Not quite in the
12 order that I put them in.

13 PRESIDING OFFICER ROSS: Okay. Are
14 there any other questions or comments before we close this
15 procedural -- this prehearing conference?

16 *[No verbal response]*

17 PRESIDING OFFICER ROSS: In that case, I
18 will close today's conference. And, we will issue --

19 MR. IACOPINO: I'll prepare a report for
20 your signature, how's that?

21 PRESIDING OFFICER ROSS: Yes, a report
22 outlining our agreements and the schedule that's proposed
23 for the docket. Thank you for putting it together for us,
24 and that we didn't have to create it out of whole cloth

1 today.

2 (Whereupon the prehearing conference was
3 adjourned at 10:30 a.m.)